

TAB 6

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DEFENDANT'S LIST OF PERCIPIENT WITNESSES

Mr. Mike Ward (will call)

Mr. Mike Zava (will call)

Mr. Stephen Gadsey (may call)

Objection – the witness, an Ingram Entertainment employee, lacks personal knowledge as to any fact that is of consequence to the determination of this actions (F.R.E. 401, 402, 602), and was never identified by Defendant as a potential witness in disclosures or discovery or designated by Defendant as an expert witness. (Fed. R. Civ. P. 26 & 33.) See Motion in Limine.

Mr. Michael Keller (will call)

Objection – the witness, a Dell employee, lacks personal knowledge as to any fact that is of consequence to the determination of this actions (F.R.E. 401, 402, 602), and was never identified by Defendant as a potential witness in disclosures or discovery or designated by Defendant as an expert witness. (Fed. R. Civ. P. 26 & 33.) See Motion in Limine.

Mr. Major Horton (may call)

Objection – the witness, a Dell employee, lacks personal knowledge as to any fact that is of consequence to the determination of this actions (F.R.E. 401, 402, 602), and was never identified by Defendant as a potential witness in disclosures or discovery or designated by Defendant as an expert witness. (Fed. R. Civ. P. 26 & 33.) See Motion in Limine.

Mr. Steve Thomas (may call)

Objection – the witness, an expert witness disclosed in the Dell action, lacks personal knowledge as to any fact that is of consequence to the determination of this actions (F.R.E. 401, 402, 602), is not qualified to provide expert testimony on any issue of consequence to the determination of this action (F.R.E. 702), and was never

identified by Defendant as a potential witness in disclosures or discovery or designated by Defendant as an expert witness. (Fed. R. Civ. P. 26 & 33.) See Motion in Limine.

Mr. Kevin Sarkeisan (may call)

Objection – the witness, a Lexmark employee, lacks personal knowledge as to any fact that is of consequence to the determination of this actions (F.R.E. 401, 402, 602), and was never identified by Defendant as a potential witness in disclosures or discovery or designated by Defendant as an expert witness. (Fed. R. Civ. P. 26 & 33.) See Motion in Limine.

Ms. Elaine Agee (may call)

Mr. Thomas Fitzpatrick (may call)

Mr. Lazarus Krikorian (may call)

Mr. Richard Oshlo (may call)

Mr. Gerald Gagliardi (may call)

Mr. Ben Wells (may call)

Any other percipient witness who appears at trial on Plaintiff's behalf (may Call)